



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/752,372

12/29/2000

Jacob Christensen

42390P10205

1521

8791

7590

03/30/2005

BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES, CA 90025-1030

EXAMINER

HYUN, SOON D

ART UNIT

PAPER NUMBER

2663

DATE MAILED: 03/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/752,372	Applicant(s) CHRISTENSEN, JACOB	
	Examiner Soon D Hyun	Art Unit 2663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-8, 10-14, 17-19, 22-24, 27-29 and 31-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19 and 24 is/are allowed.
- 6) ☒ Claim(s) 3-5, 10-14, 17, 18, 22, 23, 27-29 and 34-36 is/are rejected.
- 7) ☒ Claim(s) 6-8, 31-33 and 37-39 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 3-9, 10-14, 17-19, 22, 23, 27-29, and 31-39 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 3-5, 10-14, 17, 18, 22, 23, 27-29, and 34-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Limb et al (U.S. Patent No. 6,804,251).

Regarding claims 3, 10, 11, 17, 18, 22, and 23, Limb et al (Limb) discloses a method of managing packet fragmentation, comprising:

determining an operating parameter (a priority level) for a packet (an information packet 214 in FIG. 2) (col. 13, lines 18-55);

determining an operating status (an order of filling the information packet into a grant region and the size of the grant region, col. 13, lines 18-55) to be set in accordance with the operating parameter, with the operating status to comprise active (assigning) or de-active (no-assigning); and

performing packet fragmentation in accordance with the operating status when

the size of the grant region is not enough to fill the whole information packet.

Regarding claim 4, Limb further discloses that the priority of the information packet is high, the information packet is active (assigned to the grant region). See col. 13, lines 18-55.

Regarding claim 5, Limb further discloses that the priority of the information packet is low, the information packet is de-active (not to be assigned to the grant region). See col. 13, lines 18-55.

Regarding claim 12, Limb further discloses a differential service code byte (delay tolerance, jitter tolerance, etc., col. 13, lines 25-28).

Regarding claim 13, refer to the discussion for claim 1. Limb further teaches that a time (a queuing time) is an operating parameter (col. 13, lines 51-54).

Regarding claim 14, Limb further discloses that delay tolerance and jitter tolerance, etc., col. 13, lines 25-28) are operating parameters.

Regarding claims 27, Limb et al (Limb) discloses a method to perform packet fragmentation (col. 2, lines 49-52), comprising:

- determining an operating parameter (a grant region 204 in FIG. 2) for a packet (an information packet 214 in FIG. 2) (col.5, line 66-col. 6, line 26);

- determining a packet fragment size using the operating parameter (col. 6, lines 20-26);

- performing packet fragmentation for the packet using the packet fragment size, wherein the operating parameter comprises a connection speed (the grant region 204 assigned to a signal source #1 is a bandwidth granted by a controller 190 in FIG. 1 to the signal source when a connection is requested by the source. Therefore, the size of

Art Unit: 2663

the grant region is a connection speed, col. 4, lines 45-54 and col. 5, lines 45).

Regarding claims 28 and 29, refer to discussion for claim 1, Limb further teaches that the packet fragment size increases as the connection speed (grant region) increases and fragment size decreases as the connection speed decreases (col. 5, line 43-col. 6, line 26).

Regarding claims 34-36, refer to the discussion for claims 3 and 27.

Allowable Subject Matter

4. Claims 19 and 24 are allowed.
5. Claims 6-8, 31-33, and 37-39 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. The following is a statement of reasons for the indication of allowable subject matter.

The prior art of record fails to teach a step of evaluating whether the operating parameter is determined within a limited time period as recited in claims 19, 24, 33, and 37.

The prior art of record fails to teach that the packet fragment size is decreases or increases as the priority level increases or decreases as recited in claims 31 and 32.

Conclusion


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Soon D Hyun whose telephone number is 571-272-3121. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Q. Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



S. Hyun
03/17/2005


RICKY NGO
PRIMARY EXAMINER

3/21/05